

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Rachelle Lichtenstein,

Plaintiff,

Civil Action No.: \_\_\_\_\_

v.

Quality Asset Recovery, LLC,

**COMPLAINT AND DEMAND  
FOR TRIAL BY JURY**

Defendant.

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Plaintiff Rachelle Lichtenstein (“Plaintiff” or “Lichtenstein”), by and through her attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for her Complaint against the Defendant Quality Asset Recovery, LLC (“Defendant” or “QUALITY”), respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant’s violation(s) of Sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act (“FDCPA”).

**PARTIES**

2. Plaintiff is a resident of the State of NY, County of Kings, residing at 109 Harrison Avenue, Brooklyn, NY 11211.

3. Defendant is a collection firm with a principal place of business at 7 Foster Avenue Gibbsboro, NJ 08026, and, upon information and belief, is authorized to do business in the State of NY.

4. QUALITY is a “debt collector” as the phrase is defined and used in the FDCPA.

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec. 1331, as well as 15 U.S.C. Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. Sec. 1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

### **FACTUAL ALLEGATIONS**

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.

8. Upon information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).

9. On or about April 10, 2012, Plaintiff sent a letter to the Defendant, requesting validation of the debt (“Exhibit A”).

10. Defendant failed to provide the verification information requested by the Plaintiff.

11. Defendant failed to report the debt to the credit bureaus as disputed (“Exhibit B”).

12. Said failure on the part of the Defendant is a violation of the FDCPA, 15 U.S.C. Sec. 1692e(8), which prohibits a debt collector from communicating false credit information, “including the failure to state that a disputed debt was disputed.”

13. As a result of the Defendant’s deceptive, misleading and/or unfair debt collection practices, the Plaintiff has been damaged.

### **FIRST CAUSE OF ACTION**

#### **(Violations of the FDCPA)**

14. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “13” herein with the same force and effect as if the same were set forth at length herein.

15. Defendant’s debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. Sec. 1692e(8).

16. As a result of the Defendant’s violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

### **DEMAND FOR TRIAL BY JURY**

17. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this complaint for which the Plaintiff is or may be entitled to a jury trial.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Rachelle Lichtenstein demands judgment from the Defendant Quality Asset Recovery, LLC as follows:

- A. For actual damages provided and pursuant to 15 U.S.C. Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 U.S.C. Sec.1692k(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 U.S.C. Sec. 1692k(a)(3);
- D. For a declaration that the Defendant's practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper..

Dated: New York, New York  
November 13, 2012

Respectfully submitted,

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